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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,958	09/20/2006	Poul Erik Jespersen	PATRADE	8746

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James C. Wray
1493 Chain Bridge Road
Suite 300
McLean, VA 22101

EXAMINER

SCRUGGS, ROBERT J

ART UNIT	PAPER NUMBER
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3723

MAIL DATE	DELIVERY MODE
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09/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,958

Applicant(s)

JESPERSEN, POUL ERIK

Examiner

Robert Scruggs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is response to the amendment received on August 2, 2007.

Claims 1-3 remain pending in the application and have been fully examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are **Finally** rejected under 35 U.S.C. 103(a) as being unpatentable over Platt (1666347) in view of Rosa (6113472).

In reference to claim 1, Platt discloses a grinding apparatus for processing a workpiece comprising, a support arrangement (4) holding a number of grinding heads (12) each of which include grinding elements, an endless conveyer means formed as drive chain (14) which moves the grinding heads in an annular course by at least one driving motor (Page 2, Column 1, Lines 1-14), since this chain is a three dimensional chain it would have at least one long side (i.e. its height) perpendicular to an underlying conveyor (2), but lacks, a grinding motor for each grinding head. However, Rosa discloses a grinding apparatus with a moveable support frame (51) which includes multiple grinding heads (1) (Figure 6) each of which include driving motors (82), said grinding heads being movably connected to a chain by attaching means (81) and the grinding heads can also be moved vertically up and down with respect to the workpiece (Column 4, Lines 16-

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24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the single drive chain (22) which drives all the grinding heads simultaneously, of Platt, with grinding motors that individually drive each grinding head, in view of Rosa, in order to individually maintain constant pressure at different locations thereby removing the surface of the workpiece without causing undesired stress.

In reference to claim 2, Platt also discloses using drive chains (14) for engaging drive wheels (15) driven by moving motors (Page 2, Column 1, Lines 1-14).

In reference to claim 3, Rosas also teaches of providing a moveable frame (51) as previously mentioned above.

Response to Arguments

4. Applicant's arguments filed August 2, 2007 have been fully considered but they are not persuasive.

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Rosa teaches of using motors to individually rotate grinding elements at desired speeds therefore simple substitution of one known element (i.e. a driving mechanism which drives a plurality of grinding elements as shown in Platt) for another element (i.e. individual motors for individually rotating grinding elements) would have yielded predictable results (i.e. rotating grinding elements) to one of ordinary skill in the art therefore the examiner believes the rejection is proper and thus maintained.

6. Applicant contends that, **“The polishing blocks are moved by a chain 14 which could be said to be an endless conveying means. However, it is clear that the conveying means used in Platt does not constitute a support arrangement and does not have at least one long side perpendicular to an underlying conveyor. Moreover, it is also noted that Platt differs in that polishing blocks are disclosed having more polishing members 9. Also, the rotary direction of the polishing blocks of any subsequent polishing member 9 will always be the same along one of the guide bars 6 (support arrangement). This situation clearly will not make it possible to efficiently deburr holes, edges and roundings. Accordingly, a skilled person working with the problem of efficiently deburring holes, edges and roundings would not make use of the teaching of Platt.”**

a. However, the examiner respectfully disagrees with these statements. Since, the chain is a three-dimensional object the height of the chain would be perpendicular to the underlying conveyor. The fact that there are more grinding

elements is moot because the limitations of the claims are still met. Structure is what defines apparatus claims not its intended use. The examiner believes that the structure of the claims are met by the combination therefore the rejection is proper and thus maintained.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Scruggs whose telephone number is 571-272-8682. The examiner can normally be reached on Monday-Friday, 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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